

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

JEFF KUSMIERSKI, Derivatively on Behalf of
Nominal Defendant, NEXTERA ENERGY,
INC.,

Plaintiff,

v.

JOHN W. KETCHUM, et al.,

Defendants,

-and-

NEXTERA ENERGY, INC.,

Nominal Defendant.

Case No. 24-cv-22533-JB

JOINT STATUS REPORT

Plaintiff Jeff Kusmierski (“Plaintiff”), and Defendants John W. Ketchum, Nicole S. Arnaboldi, Sherry S. Barrat, James L. Camaren, Kenneth B. Dunn, Naren Gursahaney, Kirk S. Hachigian, Amy B. Lane, David Porges, John A. Stall, Darryl L. Wilson, Rudy E. Schupp, John L. Skolds, Lynn M. Utter, James L. Robo, Eric Silagy, and David P. Reuter, (collectively, the “Individual Defendants”), and nominal defendant NextEra Energy, Inc. (“NextEra,” together with the Individual Defendants, “Defendants”) (together with Plaintiff, the “Parties”), respectfully provide this joint status report updating the Court on the status of *Jastram v. NextEra Energy, Inc., et al.*, No. 9:23-cv-80833-AMC, an earlier-filed securities class action case, which is currently pending before the Southern District of Florida (the “Securities Class Action”), as well as the Parties’ position on the current stay of proceedings in this case. *See* [ECF No. 16].

1. By Order dated July 26, 2024, the Court granted the Parties’ Joint Motion to Stay Proceedings, pending the conclusion of the Securities Class Action, which arises from the same

nucleus of core facts that are at issue in this case, and stayed this case. *See* [ECF No. 16]. In particular, the Court granted a stay through the “final dismissal of all claims in the Securities Action with prejudice.” *Id.*

2. Pursuant to the Court’s order granting the Joint Motion to Stay Proceedings, the Parties are required to “file a joint status report every thirty (30) days from the date of this Order advising the Court of the status of the Securities Class Action and indicating their position(s) on whether and why the stay should be lifted or remain in place.” The Parties previously filed joint status reports on August 26, 2024, September 25, 2024, October 25, 2024, November 25, 2024, December 23, 2024, January 22, 2025, February 21, 2025, March 24, 2025, April 23, 2025, May 23, 2025, June 23, 2025, July 23, 2025, August 26, 2025, and September 25, 2025. [ECF Nos. 17, 20, 21, 22, 23, 24, 28, 30, 31, 32, 33, 34, 35, & 36]. As such, the Parties now file the instant joint status report in compliance with the Court’s order granting the Joint Motion to Stay Proceedings. [ECF No. 16].

3. On September 27, 2024, the court in the Securities Class Action granted the defendants’ motion to dismiss the second amended complaint without leave to amend. On October 17, 2024, the plaintiffs appealed that court’s order to the U.S. Court of Appeals for the Eleventh Circuit. The appeal remains pending and so the dismissal of the Securities Class Action is not yet final.

4. On February 21, 2025, as permitted by the Joint Motion to Stay Proceedings (ECF 15 at 7), and pursuant to Fed. R. Civ. Proc. 15(a), Plaintiff filed a redacted copy of the Verified Stockholder Amended Derivative Complaint (“Amended Complaint”), along with an unopposed motion to seal the Amended Complaint. [ECF No. 25–ECF No. 27]. Defendants need not currently respond to the Amended Complaint, in accordance with the Court’s order granting the Joint Motion to Stay Proceedings [ECF No 16].

5. Accordingly, the Parties believe that the current stay of the proceedings in this case remains appropriate.

Dated: October 27, 2025

Respectfully submitted,

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